

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALIM KHALMURATOV and NARGIZA
KHALMURATOVA h/w,

Case No.:

PLAINTIFFS,

v.

IVAN MARINKIN AND 116 CARRIERS,
INC.

DEFENDANTS.

**TO: THE HONORABLE JUDGES OF
THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PLEASE TAKE NOTICE that on this date, defendants, Ivan Marinkin and 116 Carriers, Inc., hereby file this Notice of Removal pursuant to 28 U.S.C. 1446(a), 28 U.S.C.A 1332(a)(2) and 28 U.S.C 141(a) together with all process, pleadings and orders as required by 28 U.S.C. 1446(a), true copies which are attached hereto, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania.

Defendant, Ivan Marinkin and 116 Carriers, Inc., by their undersigned attorneys, respectfully show this Court that:

1. The removing parties are Defendants in a civil action and are represented by the undersigned.
2. On or about April 4, 2022, Plaintiff commenced this case against the removing parties in the Court of Common Pleas of Pennsylvania, Philadelphia County, 2445, April Term, 2022, and it is now pending therein. *See Complaint* (attached as Exhibit "A").
3. On or about June 15, 2022, defendant Ivan Marinkin was served with the Summons and Complaint in this case via certified mail and regular mail (attached as Exhibit "B").
4. On or about August 17, 2022, defendant 116 Carriers, Inc. was served with an Order for alternate service, Praecipe to Reinstate Complaint, Summons and Complaint (attached as Exhibit "C").

5. No further proceedings have occurred in this case in State Court.
6. The Plaintiffs filed their Complaint as a “major jury” matter with the Philadelphia Court of Common Pleas. This means that Plaintiffs contend their injuries and damages are valued in excess of the County Court’s arbitration threshold of \$50,000. Plaintiffs’ Complaint alleges significant and permanent personal injuries that will seriously impair bodily functions, including injuries to the spine. See Exhibit A. Plaintiff further asserts lost earnings and earning capacity. See Exhibit A.
7. In light of the above, Defendants have a good faith belief that Plaintiff contends that the amount in controversy in this matter exceeds \$75,000, exclusive of interests and costs. The undersigned defense counsel has been involved in other cases where similar injuries were alleged in Philadelphia County and the settlement demands/value of those cases has been stated to be in excess of \$75,000.
8. Plaintiffs are Pennsylvania residents, residing at 10900 Bustleton Avenue, Apartment A47, Philadelphia, Pennsylvania 19116.
9. The Defendant, Ivan Marinkin, resides at 300 Diplomat Parkway, Apartment 811, Hallandale Beach, Florida 33009-8702.
10. The Defendant, 116 Carriers has its principal place of business at 5777 Kennedy Avenue, Cincinnati, Ohio 45213.
11. This case involves Plaintiff’s allegations that the Defendants were negligent in an incident that caused Plaintiff to be injured, allegedly sustaining personal injuries. The amount in controversy required pursuant to 28 U.C.S. 1332 is satisfied because of the nature of the alleged personal injury in this matter.
12. This Court has original jurisdiction of this case pursuant to 28 U.S.C. 1332, diversity of citizenship and the action may be removed to this Court pursuant to 28 U.S.C. 1441, in there is complete diversity of citizenship and the amount in controversy \$75,000, exclusive of costs and interest.
13. A copy of Plaintiffs’ Complaint filed in this case is attached as an Exhibit. The only other pleading that has been filed to date with the Philadelphia Court of Common Pleas is plaintiff’s Motion for Special Order Directing Service of Process upon Defendant, 116 Carriers, Inc. by Certified Mail, Return Receipt Requested, and by Regular Mail. Said Motion was filed via e-filing on August 8, 2022. (Exhibit “D”)

14. This notice is filed with the Court within thirty (30) days after receipt by the removing parties of a copy of the Complaint in this case. Defendants expressly reserve their right to challenge the method of service as ineffective and to challenge personal jurisdiction over these defendants in the Courts of Pennsylvania.
15. Upon receipt of a filed Notice of Removal, Defendants will provide a copy of said Notice to the Prothonotary of the Court of Common Pleas of Philadelphia County.

WHEREFORE, the removing parties pray that this Court be removed from the Court of Common Pleas of Philadelphia County to this Court pursuant to 28 U.S.C. 1441(a) and 1452.

DELANY LAW, P.C.

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Date: September 14, 2022

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ALIM KHALMURATOV and NARGIZA
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DISCLOSURE STATEMENT FORM

Please check one box:

X The nongovernmental corporate party, 116 Carriers, Inc., in the above-listed civil action does not have any parent corporation and publicly held corporation that owns more than 10% or more of its stock.

DELANY LAW, P.C.

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Date: September 14, 2022